



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Conservation Commission

Approved Minutes

February 13, 2020

7:30 pm @ Community Development Department

Attendance:

Chairman Dave Curto- present
Vice Chair James Finn-present
Wayne Morris- present
Pam Skinner- present
Lisa Ferrisi- present
Brian McFarland, alternate-excused
Kara Feldberg, alternate-excused
Oliver Liu, alternate-excused

Miscellaneous Items:

- Discussion of Moeckel pond brush clearing invoice

Chairman Curto discussed the invoice for this work. Copies of the invoice have been submitted to the Board. Additional work for moving the material on the mounds would be billed hourly per the invoice.

- Girl Scout/ Moeckel pond Kiosk location discussion

A motion was made by Mr. Morris to locate the kiosk at the Marston/Finn Dam Parking Area as depicted in the photograph. Seconded by Vice Chair Finn. Vote 5-0. Motion passes.

- Discussion of Moeckel pond clean up and controlled burning of brush

Chairman Curto reviewed a recent site walk he took near the pond with Mark Lucas. The Board discussed the best way to proceed with clean-up of the area in order to have a consolidated burn in the area. Mr. Lucas is looking into getting together a group of volunteers to gather the brush in the area. According to the Fire Department, only one pile at a time can be burned. Chairman Curto mentioned that the wood ash is beneficial for the potential invasive species reduction in the pond area.

ZBA:

Case #04-2020: Parcel 22-L-30

Applicant - Cronin, Bisson & Zalinsky, P.C.

Owner - David and Elena Richards

Location - 46 West Shore Road

Zoning District - Residential A District and Cobbetts Pond & Canobie Lake

Watershed Protection Overlay District (WPOD)

Variance relief is requested from **Section 702 and Appendix A-1**: To allow construction of a new 1,096 sf two-bedroom single family dwelling (SFD) on a pre-existing non-conforming lot of record that contains 4,791 +/- sf of building area where a minimum land area of 50,000 sf is required. To allow 22 % of building coverage for the SFD, where a maximum building

coverage of 20% is allowed. To allow the SFD a 11' southerly side yard setback and a 12' northerly side yard setback, where 30' is required. To allow the SFD a 28' rear yard setback, where 30' is required. To allow the SFD a 22' front yard setback from West Shore Road, where 50' is required. To allow 50' of frontage along West Shore Road, where 175' is required.

Attorney Daniel Muller addressed the Board representing the applicant. The applicant is looking to build a small single-family residence. There is a septic approval from the state as well as a Shoreland Permit on this lot of record. There will be a garage under the house and a driveway just off of West Shore Drive. This lot is now empty; years ago, it did have a septic for a lot across the street which has since acquired its own septic system. The well and septic will be 75 feet from each other. According to the Shoreland Protection Permit, a corner of the lot must remain unaltered.

Mr. Morris asked if the other lots on West Shore Drive have been developed. Attorney Muller reviewed the surrounding properties which were a mixture of developed and undeveloped. Attorney Mueller stated that some of the "coffee lots" still exist and other have been combined with surrounding properties.

The Board once again discussed the concept of, "When is small too small?" and what other uses on a lot there might be on a property this small that would need an approved well and septic to accommodate a house.

Mr. Morris then mentioned the location of the septic and well for the abutting lots and whether or not there would be enough space to accommodate the 75 feet to develop abutting lots. Attorney Muller reviewed the protective well radius for two of the abutting lots.

The Board discussed the history of these lots and the water and septic needs of the structures that might be built in relation to the size of a home on a small lot. Mr. Morris stated that he struggles to see the hardship. Attorney Muller asked what a reasonable use of the property would be if a structure cannot be built on the property. Attorney Muller also discussed a potential lot line adjustment which also might not be possible on the smaller lots. Additionally, Attorney Muller mentioned that the new septic designs require a much smaller space.

The Board is concerned with the proposal being on such a small lot. The Board is also concerned about the well and septic radiuses of this and other abutting lots.

Case #05-2020: Parcel 16-P-353

Applicant - Paul R. LaPonius

Owner - Paul R. LaPonius

Location - 59 Ministerial Road

Zoning District - Residential A District and Cobbetts Pond & Canobie Lake

Watershed Protection Overlay District (WPOD)

Variance relief is requested from **Section 702 and Appendix A-1:** To allow a revised subdivision of lot 16-P-353 to create two buildable lots. A new lot on Fourth Street will be created having 150' +/- of contiguous frontage on a private road (Fourth Street), where 175' of frontage on a public road is required. Based on soil mapping, neither lot satisfies minimum lot area by soil type.

Ms. LaPonius addressed the Board. Ms. LaPonius stated that they found that there were many complicated conditions on this lot that included the neighbors. The LaPonius's have deeded portions of their property to two of the three neighbors. The applicant has given the third neighbor opportunities to try to work with them, including communication with the neighbor's attorney. The house is located on Ministerial with frontage on 4th Street. Two of the neighbors have bought property from them and they have bought property from another neighbor who no longer lives in the neighborhood.

The applicant would like to build a new home on the second lot and the subdivision has already been approved. There will be two lots that will be over an acre each. These lots sit between the smaller and larger lots on Ministerial.

The Board reviewed the packets that Ms. LaPonius had prepared for the Zoning Board of Adjustment. The Conservation Commission did see this case several years ago. The Board does recognize that the soil-based lot sizing is closer to complying than the original plan, yet, it still does not meet soil-based lot sizing.

Planning Board:

Case 2020-1, Preliminary & Major Final Site Plan Application 10 Libbey Rd. (lot 8-B-3000) CDA District

The Dubai Group representing Rockingham Road Realty Trust is proposing to add fill material to level this site.

Mr. Karl Dubay addressed the Board. Mr. Dubay stated that this is a fill plan for soil. There will be fencing and erosion control. There will be no state permits or WWPD impact. Mr. Dubay will be coming forward with a plan on the site that has no WWPD impacts. Mr. Dubay stated that they will be working with DOT to make improvements on the road post construction. Mr. Dubay stated there is an existing trail easement on the property as well. On the future plan, Mr. Dubay stated that there will be no parking, buildings or septic in the WWPD. Mr. Dubay stated that the fill will be coming from one of the applicant's other sites.

Case 2020-2, Final Subdivision (Minor) Application, (lot 1-C-951) 124 Kendall Pond Road, Rural District

Edward Herbert Assoc., Inc. representing William & Beverly Conboy is proposing to subdivide a 2.751-acre lot with an existing house & garage into two (2) single family house lots.

Mr. Shayne Gendron addressed the Board. Mr. Gendron stated that the site meets soil sizing for 2 lots. There are no waivers, WWPD, or wetlands on the lot. The Board has no issues with the plan as presented.

Case 2020-3, Major Final Site Plan Application (lot 13-C-400) 39 Roulston Road, PBT District

The Dubay Group is representing Windham Woods for a proposed 9,295 sq. ft. two story addition to the school and restriping the parking lot.

Mr. Karl Dubay addressed the Board. Mr. Dubay stated that this would be a building addition for the school. Mr. Dubay stated this is a two-story wing. There is no WWPD or wetlands impact. There will be roof recharge. All of the utilities will go through the current school. The expansion is on the lawn that is on the site. None of the trees that will be cut will be 12 inches or greater. There will be a drainage swale on the site as well. The school director will coordinate with emergency services for the striping of the parking lot. Mr. Dubay stated there are about 60 parking spaces currently. Mr. Dubay discussed the overflow parking options on the site and explained why they applied for the waiver for the parking calculation as the school does not often hold large events. This plan will not go before ZBA, only the Planning Board.

The Board has no issues with the plan at this time.

Case 2020-4, Conceptual Site Plan Application, (lot 11-A-885) 47 No. Lowell Road, Residence B & WWPD

Edward Herbert Assoc., Inc. representing Nesmith Meadows, LLC is proposing to construct 70-two-bedroom condominium units with a club house on this 17.927-acre parcel.

Mr. Shayne Gendron addressed the Board. Mr. Gendron stated that this is a Residential B District. The site currently has a single-family home. This plan has duplex units; this is a conceptual plan that will go before Planning Board. The site will hook up to a water system on a neighboring lot. There is a comment on the plan to align the driveway with Camelot, yet, that would have a WWPD impact so the applicant will be talking to police and fire about that. The area may connect to the neighborhood behind them for emergency reasons but not as a through street. Mr. Gendron stated that there will be some WWPD impact once drainage is further investigated.

Mr. Gendron stated that there is a large radius for the well on the adjoining lot. Mr. Gendron showed the Board renderings of what the units might look like, again, this is a conceptual plan. Mr. Gendron stated that this is not a workforce project; this is a market rate project. The existing house on the lot will not remain. The Board mentioned the

storm water management and the run off on the lot. Mr. Gendron stated that all of the storm water will need to be managed on site and will not impact the conservation land nearby. The Board is interested in receiving updates as the project progresses.

Case 2019-19, (lot 19-A-200) Workforce Housing-Design Review Application, 64 Mammoth Rd., Rural District.

Joe Maynard of Benchmark Engineering is representing 10 Harris Rd LLC. They are proposing 10 duplex buildings (20 units + existing home) in a condominium setting. 30% of the proposed units would be workforce. Three condition use permits will be required for this project.

Mr. Joe Maynard addressed the Board. Mr. Maynard stated that there are power line easements to the rear of the lot. Mr. Maynard stated there is a home on the property. There are no wetlands on the property or WWPDP impacts. The water would be provided by Pennichuck. The parcel as a whole is 6 acres, several of the acres are impacted by power lines. There will be a retaining wall between the house and the proposed units. The house will remain but the larger structure behind will be removed.

Chairman Curto asked if the trails behind will be impacted by the project; they will not. Mr. Morris asked how the soils work. Mr. Maynard stated that the state allows about twice the amount of density on a project like this than this proposal. The fire department asked that the cul-de-sac be 124 feet. Mr. Maynard stated that workforce housing allows for 3-bedroom dwellings and can be up to 75% workforce and 25% market value. This project will be 70%/30%. The appendix of the zoning regulations has an exception for workforce housing under lot sizing by soil type.

The Conservation Commission will see the project again after Design Review and is interested in being kept up to date on the project.

Intent to cut Applications: N/A

DES Permits & Correspondence: 13 Spring Street (letter in the mail)

Mr. Michael Wheeler addressed the Board. Mr. Wheeler stated that the structure was built for a screenhouse on the property. Mr. Wheeler stated that the 3 complaints filed on his property have been filed by the residents of 19 Spring Street. Mr. Wheeler reviewed the history between the neighbors. The town and the state have both been out to look at the property. Mr. Wheeler also discussed the state calculations for the structure based on water frontage.

Campbell Farm Discussion:

Chairman Curto stated that there is a potential roommate that may move into the house. Chairman Curto forwarded the question to Mr. Sullivan.

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Meeting Minutes Review and Approve – 1/23/20

A motion was made by Mr. Morris to approve the January 23, 2020 draft minutes as amended. Seconded by Ms. Skinner. Vote 4-0-1. Mr. Finn abstained.

A motion was made by Ms. Skinner to adjourn at 9:20pm. Seconded by Vice Chair Finn. Vote 5-0. Motion passes.

Respectfully submitted by Anitra Brodeur

Approved